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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,766	11/15/1999	JAMES F. KRAMER	VT002D	2089

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EXAMINER

UNDERWOOD, DONALD W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/439,766

Applicant(s)

Kramer

Examiner

Underwood

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <sup>3</sup>/<sub>1</sub> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05/27/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 60-76 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 30
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/27/03 has been entered.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 73-76 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear what structure in applicant's invention comprises the haptic feedback application interface and how it uses the haptic feedback and what structure in the invention determines the magnitude of haptic feedback and how it is constructed. Clarification is required. The introduction of new matter should be guarded against. Note it appears applicants may be relying upon undisclosed computer programs. If this is the case then at the least the program and/or a flow chart should have been provided.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 60-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 60, the phrase "associated with a position" calls for no particular type of association and hence does not meet the requirement of 35 U.S.C. 112 second paragraph. Further the elements should be positively correlated to define an operative device. For example, the actuator and the haptic feedback member should be correlated and the second sensor and actuator should be correlated.

Regarding claim 61, the phrase "associated with haptic feedback" calls for no particular type of association and hence does not satisfy the requirement of 35 U.S.C. 112, second paragraph.

Regarding claim 62, the phrase "configured for" and "associated with" fail to satisfy the requirements of 35 U.S.C. 112 second paragraph. Also "the platform" should be correlated with "the actuator" in claim 60.

Regarding claim 63, it is unclear what element in the invention comprises the force application interface. Clarification is required. Moreover, this interface should be positively correlated with the other elements, i.e., the phrase "associated with" does not satisfy 35 U.S.C. 112 second paragraph.

Regarding claim 64, the phrase "configured to" sets forth no particular structure and hence does not meet the requirements of 35 U.S.C. 112, second paragraph. Moreover the platform should be correlated with the first sensor in claim 60.

Regarding claim 65, the fluid should be correlated with the actuator in claim 60.

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Regarding claims 66-69, these claims appear to be directed to elements 901, 920, etc in figure 9 whereas parent claim 60 appears to be directed towards elements 909, 917, 910. Thus the elements in claims 66-69 should be clearly distinguished from and correlated with these in claim 60.

Regarding claim 70, the elements in this claim must be correlated with the actuator in claim 60.

Regarding claim 72, fluid cannot be an elongated element. At best the structure that contains the fluid could be an elongated element. Clarification is required.

Regarding claim 73, a plurality of haptic feedback members in line 6 should be correlated with a haptic feedback application interface bridging lines 2 and 3.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 60, 65, 73 and 74 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jones et al.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 60, 65, 73 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvill in view of Zarudiansky "138 or Jones et al.

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It would have been obvious to provide feedback as claimed to the device in Harvill in view of the teaching in Zarudiansky or Jones.

10 Any inquiry concerning this communication should be directed to D. Underwood at telephone number (703) 308-1113.

Underwood/kn  
July 31, 2003

*Donald W. Underwood* 08/01/03  
DONALD W. UNDERWOOD  
PRIMARY EXAMINER